

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claim 1 has been amended. Claims 1, 3-6, 8 and 9 are pending in the application. The rejections are respectfully submitted to be obviated in view of the amendment and remarks presented herein.

**Rejection Under 35 U.S.C. § 103(a) - Kikuchi et al.**

Claims 1, 8 and 9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kikuchi et al. (U.S. Patent Number 6,885,616; hereinafter “Kikuchi”). The rejection is respectfully traversed.

Claim 1, as amended, recites “a first aberration correction element movable along the optical axis of said light beam for performing coarse correction of the aberration of the light beam,” and also “a second aberration correction element having a plurality of phase adjustment portions each generating an amount of phase change in the light beam to perform fine correction for a residual aberration of said first aberration correction element, the amount corresponding to an adjustment signal and said second aberration correction element being integrally formed with said object lens so as to be in alignment with each other” (emphasis added).

However, in Kikuchi, the phase device (12) is merely a “polarization changing device,” and does not serve as the claimed “second aberration correction element” which performs fine correction for a residual aberration of the first aberration correction element. Therefore, Kikuchi fails to teach or suggest “a second aberration correction element ... [which performs] fine correction for a residual aberration of said first aberration correction element,” as recited by amended claim 1. Additionally, the spherical aberration compensation lens (13) of Kikuchi fails

to teach or suggest the claimed “first aberration correction element movable along the optical axis of said light beam for performing coarse correction of the aberration of the light beam,” as also recited by amended claim 1.

The Examiner has also asserted in the Advisory Action that “Kikuchi discloses that the positions of the phase device 12 and the spherical aberration compensations lens 13 can be exchanged, and such exchange will not affect the objective of the apparatus.” The Examiner relies on column 15, lines 34-44 of Kikuchi, and concludes that the phase device (12) controlled by the drive circuit (21) corrects a residual aberration.

However, Applicant respectfully submits that Kikuchi does not teach or suggest the explicitly claimed first aberration correction element and second aberration correction element. As claimed, such “a second aberration correction element having a plurality of phase adjustment portions each generating an amount of phase change in the light beam to perform fine correction for a residual aberration of said first aberration correction element” is not taught or suggested by Kikuchi (emphasis added).

Furthermore, although Kikuchi discloses the exchangeability of the positions of the phase device (12) and the spherical aberration compensation lens (13), such an exchangeability in position between the phase device (12) and the compensation lens (13) necessitates that Kikuchi’s phase device (12) and objective lens (14) **are not integrally formed**, due to the fact that such exchangeability teaches away from an integral formation of the second aberration correction element with the objective lens.

Therefore, Kikuchi's phase device (12) does not teach or suggest either "a second aberration correction element ... [which performs] fine correction for a residual aberration of said first aberration correction element," or that the "second aberration correction element [is] integrally formed with said object lens so as to be in alignment with each other," as recited by amended claim 1.

At least by virtue of the aforementioned differences, the invention defined by Applicant's amended claim 1 is patentable over Kikuchi. Applicant's claims 8 and 9 are dependent claims including all of the elements of independent claim 1, which as established above, distinguishes over Kikuchi. Therefore, claims 8 and 9 are distinguished over Kikuchi for at least the aforementioned reasons as well as for its additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

**Rejection Under 35 U.S.C. § 103(a) - Kikuchi et al. in view of Best et al.**

Claims 3 and 4 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Kikuchi in view of Best et al. (U.S. Patent Number 5,905,700; "Best"). The rejection is respectfully traversed.

Kikuchi fails to teach or suggest, *inter alia*, "a second aberration correction element having a plurality of phase adjustment portions each generating an amount of phase change in the light beam to perform fine correction for a residual aberration of said first aberration correction element, the amount corresponding to an adjustment signal and said second aberration correction element being integrally formed with said object lens so as to be in alignment with each other," as recited by amended claim 1. Best does not remedy the deficiencies of Kikuchi.

Best discloses a multiple data surface aberration compensator as shown in Figure 14, however, there is also no teaching or suggestion in Best of a second aberration correction element as claimed. At least by virtue of the aforementioned differences, the invention defined by Applicant's claim 1 is patentable over Kikuchi in view of Best. Claims 3 and 4 are dependent claims including all of the elements of independent claim 1. Therefore, claims 3 and 4 are distinguished over Kikuchi in view of Best for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

**Rejection Under 35 U.S.C. § 103(a) - Kikuchi et al. in view of Ueda et al.**

Claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Kikuchi in view of Ueda et al. (U.S. Patent Number 6,418,108; "Ueda"). The rejection is respectfully traversed.

Kikuchi fails to teach or suggest, *inter alia*, "a second aberration correction element having a plurality of phase adjustment portions each generating an amount of phase change in the light beam to perform fine correction for a residual aberration of said first aberration correction element, the amount corresponding to an adjustment signal and said second aberration correction element being integrally formed with said object lens so as to be in alignment with each other," as recited by amended claim 1. Ueda does not remedy the deficiencies of Kikuchi. Ueda discloses an optical head used for recording and/or reproducing an information recording medium, the optical head including a collimator lens (13) as shown in Figure 1, however, there is also no teaching or suggestion in Ueda of a second aberration correction element as claimed. At

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least by virtue of the aforementioned differences, the invention defined by Applicant's amended claim 1 is patentable over Kikuchi in view of Ueda. Claims 5 and 6 are dependent claims including all of the elements of independent claim 1. Therefore, claims 5 and 6 are distinguished over Kikuchi in view of Ueda for at least the aforementioned reasons as well as for its additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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